P.R. No. 1052/07
Presented by Shri Sameer Sahu
Dated 6/12/07

CF 2001 (D)
(4)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S)NO. 865 /2007

PETITIONERS: 1] Safik S/o Rajjab Ali age 48 years
2] Chander S/o Sukru age 55 years

Both working as Gangmen PWD Under, S.D.O. PWD, Pithora C/o Sub- Divisional Officer, PWD, Pithora, Distt- Raipur [C.G.]

VERSUS

RESPONDENTS: 1] State of Chhattisgarh,
Through Secretary, Public Works Deptt.
Mantralaya, DKS Bhawan-Raipur (C.G.)

2] Sub- Divisional Officer, NH- PWD, Pithora
Distt- Raipur [C.G.]

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(20)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 865 of 2007

Petitioners — Safik and others

Versus

Respondents — State of Chhattisgarh & another

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Mr. Sameer Sahu, Advocate for the petitioners.

Ms. Deepali Pandey, Panel lawyer for the respondents/State.

ORDER

(Passed on this 13th day of February, 2007)

1. By this petition, the petitioners, who have worked for more than 30 years as Gangman seek a relief that the petitioners, being permanent gangman, be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.') 56.

2. The indisputable facts are that the petitioner No. 1 was appointed as gangman in the year 1972 and the petitioner No. 2 was appointed as gangman in the year 1979 in the Public Works Department. According to learned counsel for the petitioners, they attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the

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status of the permanent employee, the petitioners would retire on attaining the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Mr. Sameer Sahu, learned counsel appearing for the petitioners would submit that the case of the petitioners is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters, wherein this Court held that the permanent gangman are entitled to retire on attaining the age of 62 years.

4. Learned counsel appearing for both the parties jointly submit that the issue involved hereinabove and the facts are identical to that of in W.P. No. 108/2005 (supra).

5. Accordingly, the petitioners, who are permanent gangman, are entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Bablu